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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 **MICHAEL ANTHONY SAAVEDRA,**

14 Plaintiff,

15 v.

16 **A. HEDGPETH, et al.,**

17 Defendants.
18
19

C 09-0178 CRB

**STIPULATION AND [PROPOSED]
ORDER REGARDING THE
SETTLEMENT PAYMENT**

20 Plaintiff Michael Anthony Saavedra (“Plaintiff”) and Defendants Anthony Hedgpeth, et al.
21 (“Defendants”) (collectively, “the Parties”) hereby submit this Stipulation and [Proposed] Order
22 Regarding the Settlement Payment.

23 **STIPULATION**

24 1. The Settlement Agreement that the parties entered into on December 19, 2012
25 provides that “CDCR will attempt to make the settlement payment as soon as reasonably possible,
26 [but] the parties understand that this payment can take up to 180 days from the signing of this
27
28

1 settlement agreement. Timing of the payment is contingent on funding, including the absence of
 2 a state budget; additional delays may occur through no fault of CDCR.”

3 2. In its January 15, 2013 Order of Dismissal, this Court stated that the Order would
 4 stand vacated and the case would be restored to the calendar to be set for trial if any party
 5 certified to the Court that the settlement payment had not been delivered within thirty days of the
 6 Order.

7 3. The Parties acknowledge that, as provided in the settlement agreement, CDCR likely
 8 will not be able to provide the settlement payment to Plaintiff within 30 days of the Order of
 9 Dismissal.

10 THE PARTIES HEREBY STIPULATE and request that the Court (1) refrain from vacating
 11 the January 15, 2013 Order of Dismissal if the settlement payment has not been made within 30
 12 days of the Order, in order to allow sufficient time for CDCR to satisfy its settlement obligations,
 13 and (2) amend the Order of Dismissal to provide that Plaintiff, between June 17, 2013 and July
 14 17, 2013, may alert the Court if the settlement payment has not been paid as provided in the
 15 Court’s January 15, 2013 Order which will vacate the order of Dismissal and the matter shall be
 16 restored to the calendar to be set for trial.

17
 18 Dated: February 4, 2013

/s/ Alicia Baiardo

ALICIA BAIARDO

REED SMITH LLP

Attorney for Plaintiff Michael Saavedra

21
 22 Dated: February 4, 2013

/s/ Michael J. Quinn

MICHAEL J. QUINN

Deputy Attorney General

Attorney for Defendants

Valdez, Martinez, Hughes, and Hedgpeth

ORDER

In order to allow CDCR sufficient time to satisfy its settlement obligations, the Court's January 15, 2013 Order of Dismissal will not be vacated if the settlement payment has not been made within 30 days of the Order. Furthermore, the Order is hereby amended to provide that Plaintiff, between June 17, 2013 and July 17, 2013, may certify to this Court that the agreed consideration has not been paid and the Order of Dismissal will thereby be vacated and the case be restored to the calendar and set for trial.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February ___, 2013

The Honorable Charles R. Breyer
United States District Court Judge

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